

**WHITNEY, THOMPSON & JEFFCOACH, LLP**

JULIE R. CAMPOS (SBN 314063)

970 W. Alluvial Avenue

Fresno, California 93711

Telephone: 559-214-0817

Facsimile: 559-753-2560

jcampos@wtjlaw.com

*Counsel for Petitioners*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

*IN RE: SOCIAL MEDIA ADOLESCENT  
ADDICTION/PERSONAL INJURY  
PRODUCTS LIABILITY LITIGATION*

Case to be considered related:

*In re: Subpoena to Meta Platforms, Inc.*,  
No. 3:25-mc-80352

Case No. 4:22-md-03047-YGR

**PETITIONERS' JAMES UTHMEIER, IN  
HIS OFFICIAL CAPACITY AS  
ATTORNEY GENERAL OF THE STATE  
OF FLORIDA, AND JONI ALEXIS  
POITIER, JOHN MARTIN HAYES,  
KYMBERLEE CURRY SMITH, PATRICK  
KILBANE, JOSEPH VAN DE BOGART,  
MARVA PRESTON, AND RICK JOYCE,  
IN THEIR OFFICIAL CAPACITIES AS  
COMMISSIONERS OF THE FLORIDA  
ELECTIONS COMMISSION,  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES SHOULD  
BE RELATED**

**ADMINISTRATIVE MOTION TO**

**CONSIDER WHETHER CASES SHOULD BE RELATED**

Petitioners James Uthmeier, in his official capacity as Attorney General of the State of Florida, and Joni Alexis Poitier, John Martin Hayes, Kymberlee Curry Smith, Patrick Kilbane, Joseph Van de Bogart, Marva Preston, and Rick Joyce, in their official capacities as Commissioners of the Florida Elections Commission (collectively, “Petitioners”), will and hereby do move this Court under Civil Local Rule 3-12 to consider whether their Motion to Compel Respondent Meta Platforms, Inc. (“Meta”) to produce approximately 4,000 non-privileged documents identified by Bates number that Meta previously produced in *In re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, No. 4:22-md-03047, MDL No. 3047 (N.D. Cal.), is related to this case. The title and case number of Petitioners’ Motion to Compel is *In re: Subpoena to Meta Platforms, Inc.*, No. 3:25-mc-80352. The title and case number of this case is *In re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, No. 4:22-md-03047.

Petitioners’ Motion to Compel concerns Meta, which is of course a party to this case, and whether Meta should be compelled to produce approximately 4,000 documents that Meta produced in this case and which were cited in the expert reports of the Consolidated Attorneys General Plaintiffs in this case. See *In re: Subpoena to Meta Platforms, Inc.*, No. 3:25-mc-80352, Ex. H, Doc. 1-9 (Nov. 6, 2025) (identifying the documents by Bates number). Petitioner sought these materials as part of a Rule 45 subpoena issued to Meta in *NetChoice, LLC v. Uthmeier*, No. 4:21-cv-220-RH-MAF (N.D. Fla.) (hereinafter, *Netchoice*). In *NetChoice*, Petitioners are defending a Florida law challenged on facial and as-applied grounds by two internet trade associations (NetChoice, LLC, and the Computer & Communications Industry Association) on behalf of their members, which include Meta. See *In re: Subpoena to Meta Platforms, Inc.*, No. 3:25-mc-80352, Motion to Compel, Doc. 1 at 3-18 (N.D. Cal. Nov. 6, 2025) (explaining the background of *NetChoice* in more detail). Petitioners served a Rule 45 subpoena on Meta and offered to resolve their Requests 7 through 14, which pertain to Meta’s content-moderation activities and policies and related use of algorithms, machine-learning, and artificial intelligence, through production of Meta materials referenced or cited in the expert reports for the Consolidated Attorneys General Plaintiffs

1 in this MDL case. Such materials would likely provide information about Meta’s product designs  
2 similar to what Petitioners sought in Requests 7 through 14. *Id.* at 14-15; *see also In re: Social*  
3 *Media Adolescent Addiction/Personal Injury Prods. Liab. Litig.*, No. 4:22-md-03047, Doc. 2157  
4 (N.D. Cal. Aug. 5, 2025) (identifying four expert witnesses testifying about Meta’s “Design”); *id.*,  
5 Doc. 2129 (N.D. Cal. July 23, 2025) (explaining that expert Arvind Narayanan offers “opinions  
6 concerning Defendants’ algorithms”).

7 Eventually, Meta asserted that it could not use the expert reports—identified as Confidential  
8 by the Consolidated Attorney General Plaintiffs in this case—to identify Meta documents because  
9 the protective order in this MDL case prohibited Meta from doing so. *See In re: Subpoena to Meta*  
10 *Platforms, Inc.*, No. 3:25-mc-80352, Ex. F Letter from Kasdin Mitchell, counsel for Meta, to Clark  
11 Hildabrand, counsel for Petitioners (Aug. 22, 2025), Doc. 1-7 (N.D. Cal. Nov. 6, 2025). Due to  
12 Meta’s position regarding the protective order in this case, Petitioners provided Meta with a list of  
13 approximately 4,000 Bates numbers of Meta documents cited in the expert reports in this case that  
14 Petitioners obtained from the Consolidated Attorneys General Plaintiffs’ counsel in compliance  
15 with the protective order in this case. *See* E-mails between *In re: Subpoena to Meta Platforms, Inc.*,  
16 No. 3:25-mc-80352, Ex. G E-mails between Clark Hildabrand, counsel for Petitioners, and Jordan  
17 Greene, counsel for Meta, Doc. 1-8 (N.D. Cal. Nov. 6, 2025) (explaining the list filed as Ex. H,  
18 Doc. 1-9).

19 After additional discussion, Meta changed its position regarding the protective order in this  
20 case. Despite Meta’s earlier assertion that it would violate the protective order in this MDL case  
21 for Meta to use the expert reports to identify documents to produce in *NetChoice*, Meta then offered  
22 to produce presentations and policy documents—but not internal communications—“cited in line  
23 or in the footnotes of” the reports of the four design experts (Estes, Gray, Istook, and Narayanan).  
24 *Id.* Petitioners made one final offer to resolve this dispute and, reserving their right to seek all  
25 documents cited in the Consolidated Attorneys General’s expert reports, asked Meta to produce all  
26 Meta materials referenced or cited in the reports of the four design experts. Petitioners explained  
27 that Meta’s offer to produce only some of those documents was inconsistent with its earlier position  
28 that it could not use the expert reports to identify documents. *Id.* Petitioners also noted that Meta’s

offer excluded internal communications and other “nonpolicy” documents. *Id.* Petitioners reiterated that the production of 4,000 documents is not unduly burdensome given the scope and importance of the issues in the trade associations’ action, that Meta has voluntarily assisted the trade association with its litigation of claims on Meta’s behalf, and that Meta has already reviewed and produced the documents in other litigation. *Id.* And Petitioners emphasized that if the documents were relevant to expert reports about the design of Meta’s products and its use of algorithms, they are likely relevant to how Meta designs content-moderation systems and uses algorithms.

Meta declined Petitioners’ final offer and again refused to explain why particular documents were irrelevant. Meta continued to decline Petitioners’ final offer even after the circuit court in Florida’s state court action against Meta (which presents similar issues as to this MDL case) denied Meta’s motion to dismiss. *See Order on Def.’s Mot. to Dismiss, Off. of the Att’y Gen. v. Meta Platforms, Inc.*, No. 2024-CA-3193 (Fla. Cir. Ct. Oct. 27, 2025), *filed at In re: Subpoena to Meta Platforms, Inc.*, No. 3:25-mc-80352, Ex. I, Doc. 1-10 (N.D. Cal. Nov. 6, 2025). The Joint Case Management Statement in that Florida state court action provides that “Meta is prepared to reproduce all documents produced in the MDL” upon entry of a protective order. Joint Case Management Statement at 7, *Off. of the Att’y Gen. v. Meta Platforms, Inc.*, No. 2024-CA-3193 (Fla. Cir. Ct. July 7, 2025), *filed at In re: Subpoena to Meta Platforms, Inc.*, No. 3:25-mc-80352, Ex. J, Doc. 1-11 at 7 (N.D. Cal. Nov. 6, 2025). Thus, Meta can no longer have any objection that producing the 4,000 documents from the MDL to Florida would constitute early discovery or unduly burden Meta, but Meta still refuses to produce the 4,000 documents for Petitioners to use in defending themselves against the trade associations’ action in *NetChoice*.

As shown by the above description of the discovery dispute, Petitioners’ motion to compel appears related to this MDL case. *See Local Civil Rule 3-12(a)*. The dispute centers on whether Meta, a party to this MDL case and to the motion to compel, must produce approximately 4,000 documents that it previously produced in this case and that have been referenced or cited in expert reports in this case. The form of Petitioners’ request is structured to alleviate Meta’s previously expressed concern that the protective order in this MDL case prohibits Meta from analyzing the Consolidated Attorneys General Plaintiffs’ expert reports to create a list of Meta documents, and

1 the judges in this case would be in the best position to analyze what the protective order in this case  
2 requires.

3 It also appears that there would be an unduly burdensome duplication of labor and expense  
4 or conflicting results if a different judge were to handle Petitioners' motion to compel. Respectfully,  
5 Judge Yvonne Gonzalez Rogers and Magistrate Judge Peter H. Kang have a better understanding  
6 of the complex, yearslong multidistrict litigation than the Magistrate Judge Thomas S. Hixson, who  
7 has been assigned to the motion to compel. In the subpoena for *NetChoice*, which is on remand  
8 from the Supreme Court, Petitioners seek additional information and documents from Meta to  
9 answer several Justices' concern that how Meta uses algorithms and the extent to which it uses  
10 machine-learning and artificial intelligence to recommend, present, or prioritize material bear on  
11 the First Amendment analysis of the challenged Florida law. *See Moody v. NetChoice, LLC*, 603  
12 U.S. 707, 746 (2024) (Barrett, J., concurring); *id.* at 795 (Alito, J., joined by Thomas & Gorsuch,  
13 JJ., concurring in the judgment); *see also id.* at 726, 734 (majority) (noting that the record was  
14 "incomplete" and "underdeveloped"); *id.* at 749 (Jackson, J., concurring in part and concurring in  
15 the judgment) (indicating the need for "further factual development" before the issues could be  
16 "fully and fairly addressed"). Those issues have also arisen in this case. This MDL case has resulted  
17 in extensive discovery as the Court also recognizes that a "conduct-specific, feature-by-feature  
18 assessment of defendants' platforms" is required for "First Amendment purposes." *In re Soc. Media*  
19 *Adolescent Addiction/Pers. Inj. Prods. Liab. Litig.*, 754 F. Supp. 3d 946, 962 (N.D. Cal. 2024).

20 The Ninth Circuit's recent decision in *NetChoice, LLC v. Bonta*, which itself involved a  
21 challenge to a California law about addictive social media design, confirms that the First  
22 Amendment concerns about the use of algorithms in addictive social media litigation overlap with  
23 the First Amendment issues that Petitioners sought to analyze through the materials requested in  
24 the subpoena of Meta. 152 F.4th 1002, 1014 (9th Cir. 2025) (agreeing that "the unique design of  
25 each platform and its algorithm affects whether the algorithm at issue is expressive . . . for First  
26 Amendment purposes"). An "algorithm that 'respond[s] solely to how users act online,' merely  
27 'giving them the content they appear to want,' probably is not expressive." *Id.* (quoting *Moody*, 603  
28 U.S. at 736 n.5 (majority)).

1 Rather than a different judge analyzing the First Amendment issues that have already arisen  
 2 regarding Meta's products in this MDL case, scrutinizing the protective order entered in the MDL  
 3 case, and deciding whether Meta documents produced in the MDL case should also be produced to  
 4 Petitioners, the same judges who have handled the MDL case should handle the motion to compel.  
 5 Petitioners request that the Motion to Compel be considered related to this MDL case and thus be  
 6 assigned to Judge Yvonne Gonzalez Rogers and, if necessary, referred to Magistrate Judge Peter  
 7 H. Kang. Petitioners have noted on their Motion to Compel that they viewed the Motion to Compel  
 8 as related to this MDL case and requested Meta's position regarding whether the Motion to Compel  
 9 is related to this Case. As explained in the attached declaration, a stipulation could not be obtained  
 10 as Meta plans to move to transfer the Motion to Compel, filed in the federal district court where  
 11 Meta's compliance was required, to the U.S. District Court for the Northern District of Florida.

12  
 13 Dated: November 14, 2025

Respectfully submitted,

14 /s/ Julie R. Campos

15 JULIE R. CAMPOS (SBN 314063)  
 16 WHITNEY, THOMPSON & JEFFCOACH, LLP  
 17 970 W. Alluvial Avenue  
 18 Fresno, California 93711  
 Telephone: 559-214-0817  
 Facsimile: 559-753-2560  
 jcampos@wtjlaw.com

19  
 20 CLARK L. HILDABRAND\*  
 21 COOPER & KIRK, PLLC  
 1523 New Hampshire Ave., N.W.  
 Washington, DC 20036  
 Telephone: 202-220-9643  
 childabrand@cooperkirk.com

22 KEVIN A. GOLEMBIEWSKI\*  
 23 *Senior Deputy Solicitor General*  
 OFFICE OF THE ATTORNEY GENERAL  
 The Capitol, PL-01  
 Tallahassee, Florida 32399  
 Telephone: 850-414-3300  
 kevin.golembiewski@myfloridalegal.com

24 \*Pro hac vice applications forthcoming

25 *Counsel for Petitioners*  
 26  
 27  
 28